

IN ASSEMBLY,

January 7, 1834.

DOCUMENTS

Accompanying the Governor's
Message.

Copy of a letter from the Commissioners appointed
to settle the boundary between New-York and
New-Jersey.

New-York, October 20th, 1833.

SIR,

We have the honor to inform you that pursuant to our appointment under the act concerning the territorial limits and jurisdiction of the State of New-York and the State of New-Jersey, passed January 18th, 1833, and after several conferences with the Commissioners appointed under a similar law of the State of New-Jersey, we have concluded an agreement for the purpose of settling the boundary referred to in those acts.

We deem it unnecessary to enter into a detailed account of the course of the negotiation, and will only observe in respect to it, that waiving all discussion of the strict rights of either party, the Commissioners on both sides made such concessions as they supposed to be not only compatible with the substantial interests of each of the States, but conducive to the harmony and welfare of both. Proceeding upon these principles, it will be seen that the middle of the waters which divide this State from New-Jersey has been agreed upon as the line of property, with such variations as to include within this State the islands belonging to it; and that this is also to be the line of jurisdiction, except where circumstan-

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ces render a departure from it proper. This was peculiarly the case with respect to the waters adjacent to the city of New-York, and we trust that the jurisdiction necessary for the health, improvement, and police of that city has been amply secured, and that the agreement herewith delivered to you will be satisfactory to the Legislature and to our fellow-citizens generally.

We are, Sir, with high respect,

Your obedient servants.

B. F. BUTLER,
PETER AUGUSTUS JAY,
HENRY SEYMOUR.

To His Excellency WILLIAM L. MARCY,
Governor of the State of New-York.

AGREEMENT

Made between the Commissioners on the part of the State of New-York and the Commissioners on the part of the State of New-Jersey, relative to the boundary line between the two States.

Agreement made and entered into by and between Benjamin F. Butler, Peter Augustus Jay and Henry Seymour, Commissioners duly appointed on the part and behalf of the State of New-York, in pursuance of an act of the Legislature of the said State, entitled "An act concerning the territorial limits and jurisdiction of the State of New-York and the State of New-Jersey," passed January 18th, 1833, of the one part, and Theodore Frelinghuysen, James Parker and Lucius Q. C. Elmer, Commissioners duly appointed on the part and behalf of the State of New-Jersey, in pursuance of an act of the Legislature of the said State, entitled "An act for the settlement of the territorial limits and jurisdiction between the States of New-Jersey and New-York," passed February 6th, 1833, of the other part.

ARTICLE FIRST.

The boundary line between the two States of New-York and New-Jersey, from a point in the middle of Hudson river opposite the point on the west shore thereof, in the forty-first degree of north latitude, as heretofore ascertained and marked, to the main sea, shall be the middle of the said river, of the bay of New-York, of the waters between Staten-Island and New-Jersey, and of Raritan bay, to the main sea, except as hereinafter otherwise particularly mentioned.

ARTICLE SECOND.

The State of New-York shall retain its present jurisdiction of and over Bedlow's and Ellis' islands, and shall also retain exclusive jurisdiction of and over the other islands lying in the waters above mentioned, and now under the jurisdiction of that State.

ARTICLE THIRD.

The State of New-York shall have and enjoy exclusive jurisdiction of and over all the waters of the bay of New-York, and of and over all the waters of Hudson river lying west of Manhattan island and to the south of the mouth of Spuytenduyvel creek, and of and over the lands covered by the said waters to the low wa-

ter mark on the westerly or New-Jersey side thereof; subject to the following rights of property and of jurisdiction of the State of New-Jersey, that is to say:

1. The State of New-Jersey shall have the exclusive right of property in and to the land under water lying west of the middle of the bay of New-York and west of the middle of that part of the Hudson river which lies between Manhattan island and New-Jersey.

2. The State of New-Jersey shall have the exclusive jurisdiction of and over the wharves, docks and improvements made, and to be made, on the shore of the said State, and of and over all vessels aground on said shore, or fastened to any such wharf or dock; except that the said vessels shall be subject to the quarantine or health laws, and laws in relation to passengers, of the State of New-York, which now exist or which may hereafter be passed.

3. The State of New-Jersey shall have the exclusive right of regulating the fisheries on the westerly side of the middle of the said waters, provided that the navigation be not obstructed or hindered.

ARTICLE FOURTH.

The State of New-York shall have exclusive jurisdiction of and over the waters of the Kill Van Kull, between Staten-Island and New-Jersey, to the westernmost end of Shooter's island, in respect to such quarantine laws and laws relating to passengers as now exist or may hereafter be passed under the authority of that State, and for executing the same; and the said State shall also have exclusive jurisdiction, for the like purposes, of and over the waters of the Sound, from the westernmost end of Shooter's island to Woodbridge creek, as to all vessels bound to any port in the said State of New-York.

ARTICLE FIFTH.

The State of New-Jersey shall have and enjoy exclusive jurisdiction of and over all the waters of the Sound between Staten-Island and New-Jersey lying south of Woodbridge creek, and of and over all the waters of Raritan bay lying westward of a line drawn from the light-house at Prince's bay to the mouth of Mattavan creek, subject to the following rights of property and of jurisdiction of the State of New-York.

1. The State of New-York shall have the exclusive right of property in and to the land under water, lying between the middle of the said waters and Staten-Island.

2. The State of New-York shall have the exclusive jurisdiction of and over the wharves, docks and improvements made and to be made, on the shore of Staten-Island; and of and over all vessels aground on said shore, or fastened to any such wharf or dock, except that the said vessel shall be subject to the quarantine or health laws, and laws in relation to passengers of the State of New-Jersey which now exist, or which may hereafter be passed.

3. The State of New-York shall have the exclusive right of regulating the fisheries between the shore of Staten-Island and the middle of the said waters, provided that the navigation of the said waters be not obstructed or hindered.

ARTICLE SIXTH.

Criminal process issued under the authority of the State of New-Jersey, against any person accused of an offence committed within that State; or committed on board of any vessel being under the exclusive jurisdiction of that State as aforesaid; or committed against the regulations made or to be made by that State, in relation to the fisheries mentioned in the third article; and also civil process issued under the authority of the State of New-Jersey against any person domiciled in that State, or against property taken out of that State to evade the laws thereof; may be served upon any of the said waters within the exclusive jurisdiction of the State of New-York, unless such person or property shall be on board a vessel aground upon, or fastened to the shore of the State of New-York, or fastened to a wharf adjoining thereto; or unless such person shall be under arrest, or such property shall be under seizure, by virtue of process or authority of the State of New-York.

ARTICLE SEVENTH.

Criminal process issued under the authority of the State of New-York, against any person accused of an offence committed within that State; or committed on board of any vessel being under the exclusive jurisdiction of that State as aforesaid; or committed against the regulations made or to be made by that State, in relation to the fisheries mentioned in the fifth article; and also civil process issued under the authority of the State of New-York, against any person domiciled in that State, or against property taken out of that State to evade the laws thereof; may be served upon any of the said waters within the exclusive jurisdiction of the State of New-Jersey, unless such person or property shall be on board a vessel aground upon, or fastened to the shore of the State of New-Jersey, or fastened to a wharf adjoining thereto; or unless such person shall be under arrest, or such property shall be under seizure, by virtue of process or authority of the State of New-Jersey.

ARTICLE EIGHTH.

This agreement shall become binding on the two States when confirmed by the Legislatures thereof respectively, and when approved by the Congress of the United States.

Done in four parts (two of which are retained by the Commissioners of New-York, to be delivered to the Governor of that State, and the other two of which are retained by the Commissioners of New-Jersey, to be delivered to the Governor of that

State,) at the city of New-York, this sixteenth day of September, in the year of our Lord one thousand eight hundred and thirty-three, and of the Independence of the United States the fifty-eighth.

(Signed,)

B. F. BUTLER,
PETER AUGUSTUS JAY,
HENRY SEYMOUR,

THEO. FRELINGHUYSEN,
JAMES PARKER,
LUCIUS Q. C. ELMER.

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